

TEWKSBURY Board of Health  
Minutes  
July 18, 2013

Exhibit # 9  
TOWN CLERK  
BOARD OF REGISTRARS  
TEWKSBURY, MA  
13 OCT -7 PM 12:57

**Call of Meeting to Order**

**MOTION** - Ms. Brothers made a motion to call the meeting to order at 7:07 PM. The motion was seconded by Mr. Barry and unanimously voted 5-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Raymond Barry, Christine Kinnon, Kathleen Brothers, and Health Director Lou-Ann Clement. Also in attendance was Sara Kinghorn, the newly appointment Public Health Nurse.

**New Business**

**Introduction of the New Public Health Nurse, Sara Kinghorn, BSN, RN**

Ms. Clement stated that Ms. Kinghorn has been with the department since July 10<sup>th</sup>. She has a public health background working in the City of Watertown previously. She graduated from Northeastern University with her RN and has practiced in Scotland.

Ms. Clement gave a brief background on each Board member. The Board welcomed Ms. Kinghorn.

**Ratify Health Director's Letter regarding Mr. and Mrs. Mark Lambert – Keeping of One (1) Pet Rabbit**

Ms. Clement gave copies of the letter that was received from Mr. Lambert. They have one pet rabbit that is kept in a cage inside their home and they are requesting a letter from the Board allowing the rabbit. Ms. Clement added that she does not believe this is a public health hazard. They are planning on moving into an apartment at Shawsheen Place and the owner is requiring a letter. Ms. Clement added that any permit should go with them and not stay with the apartment. Any correspondence should say one rabbit only.

Ms. Kinnon stated that they have domestic rabbits that can be bought in a pet store similar to cats and dogs. Ms. Kinnon asked if an inside rabbit would fall under our animal regulations. Ms. Clement replied yes, right now a rabbit falls under the regulations but she plans on updating these regulations. Ms. Kinnon agreed that the regulations should be changed to address these types of pets.

**MOTION** - Ms. Kinnon made a motion to ratify the Health Director's letter regarding Mr. and Mrs. Mark Lambert allowing them to keep one (1) pet rabbit. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

**Approval of Minutes – May 2, 2013 and June 6, 2013**

Ms. Kinnon stated that in the minutes of May 2<sup>nd</sup>, page 3, she did not receive a letter regarding the turf field, she read about the concerns online. Ms. Clement stated that she would change the minutes to reflect the change.

Ms. Brothers asked in the minutes of May 2<sup>nd</sup>, page 2, what does "Mr. Barry was not present and not voting" mean because he was at the meeting on May 2<sup>nd</sup>. Ms. Clement stated that he was not present during the meetings that you were voting on approving the minutes. Mr. Barry stated that he was not at the March 7<sup>th</sup> or April 4<sup>th</sup> meeting because he was not on the Board yet but he was at the April 18<sup>th</sup> meeting. There should be two votes; one for the March 7<sup>th</sup> and April 4<sup>th</sup> meetings and another for the April 18<sup>th</sup> meeting. Ms. Clement stated that she would check her notes to see if there were two motions and who made and seconded them.

**MOTION** - Ms. Kinnon made a motion to approve the Board of Health minutes of May 2, 2013 as amended above and June 6, 2013 as presented. The motion was seconded by Mr. Barry and unanimously voted 5-0.

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**Old Business**

There is no old business.

**Approval of Departmental Reports – 2<sup>nd</sup> Quarter**

Ms. Clement stated that she forgot to add the nurses' information for the second quarter reports when she originally sent them out so she handed them out to the Board tonight.

Mr. Barry asked how these numbers compared to last year. Ms. Clement stated that so far, 2012 and 2013 have been pretty much the same. The deposit amounts have varied a little due to the time applications have been received. The number of permits is pretty much the same. The total complaints to date are 157 but she does not have the total number for 2012. There was a big drop in complaints last year due to the site assignment at Krochmal Farms. She did get an odor complaint today and when she left her office she could smell the odor. She called BMC, DPW and there has been no action by them. She also emailed Jenn at Krochmal Farms but did not hear back from her yet. Ms. Kinnon stated that it seems strange that the odor from the farm would be at the Senior Center when there are pump stations right down the street that produces odors. Ms. Kinnon stated that she has also noticed a strong odor coming from the Tewksbury State Hospital during the hot weather when she has been at her grandson's baseball games.

Ms. Kinnon stated that there has been a large increase in animal bites quarantines. Ms. Clement replied that they have been bombarded with animal bites this quarter. There have been 19 cases with a couple of them being wildlife bites.

**MOTION** - Ms. Brothers made a motion to approve the second quarter department reports. The motion was seconded by Mr. Barry and unanimously voted 5-0.

**Board Member Reports**

**Medical Marijuana**

Mr. Barry stated that he attend the Zoning Bylaw Subcommittee (ZBL) meeting last Monday for the discussion on Medical Marijuana. The ZBL is looking at potential suitable locations. They are asking for our help to determine the size of a retail facility as well as a growing facility. The size of the building will determine what size the parcel must be. The group first looked at the old police station due to the high visibility and proximity to the current police station. They also looked at a stand-alone facility versus a store front in a strip mall. The group was leaning towards a stand-alone facility. The police chief also had concerns with any location near a highway. The ZBL would like our assistance with determining how many possible customers a facility would service.

Ms. Clement stated that this is not really a Board of Health issue but more of a zoning issue. Ms. Clement stated that she is on the task force and they are looking at other states models and gathering information.

Ms. Brothers asked if they spoke about the adult entertainment district. Mr. Barry replied yes, but Chief Sheehan is concerned with those areas being so isolated. The Chief was also concerned with the exposure to kids if the facility is located within a strip mall.

Ms. Clement asked if they had the DPH regulations. Mr. Barry replied yes but there was some confusion because they also had the Hill Law that was done by a lawyer prior to the regulations being released.

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Ms. Brothers asked if they spoke about the State Hospital. Mr. Barry replied yes, but there are federal laws banning the use of marijuana and the State Hospital receives federal funding so they could not locate it there.

Mr. Barry stated that they are going to look at the map done for sex offenders as a starting point and see if they can find an area to allow this use. Mr. Barry stated that he has also done some research on size of facilities and found it can differ greatly. In Ayer the facility is a maximum of 92,000 SF but in Grafton it is only 30,000 SF. Mr. Barry stated that Ayer's Board of Health seems to be moving fast on their regulations. Mr. Barry stated that at the end of discussion on medical marijuana there was talk about a joint meeting with them and the Board of Health.

### **Board of Health Website**

Mr. Barry stated that he has been looking to update the website for the Board. **Tape Stopped.** Mr. Barry stated that he would like to add Board members background information, head shot pictures, contact information and what we can do to help out residents and the Town.

Ms. Clement stated that there are two webpages, one is for the Department and one is for the Board of Health. Ms. Clement passed out a sheet of contact information and asked that the Board review their information and indicate which contact information they would like on the website. Mr. Barry added that any emails would be considered public record.

Ms. Kinnon stated that a lot of Towns have emails for Board members. Ms. Clement replied she can see if that is a possibility for the future.

### **Other Business**

#### **Mosquito Control**

Ms. Clement stated that there are three mosquito traps setup in Tewksbury. They are at Marion Drive, Boisvert Road and Brookfield Road. Ms. Clement stated that residents can request spraying by calling or going onto the Mosquito Control website. There is a link on the Health Departments website page.

Mr. Barry stated that he called for spraying on his property and they were very helpful.

#### **Facebook**

Ms. Clement stated that the Town of Tewksbury now has a Facebook and Twitter accounts and she encourages everyone to sign up for them.

#### **Lisa's Pizzeria**

Ms. Clement stated that Lisa's Pizzeria is changing hands. They obtained a variance to forego an external grease trap and install a Big Dipper. Ms. Clement stated that part of the new regulations is that an external grease trap will be required when there is a change of ownership. Mr. French asked if this system is current with their reports and maintenance. Ms. Clement replied yes. Ms. Kinnon stated that the new owners need to be educated on maintenance of the grease trap. Ms. Brothers asked if the new owners are aware of the new grease trap regulations. Ms. Clement replied yes.

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**MOTION** - Ms. Kinnon made a motion to allow the transfer of the variance for Lisa's Pizzeria to the new owners with the condition that the new owners are trained on the maintenance and care of the "Big Dipper" and are made aware of all the conditions of the original variance. The motion was seconded by Ms. Brothers and unanimously voted 5-0.

Mr. Roux stated that if the new grease trap regulations were in place right now, the new owners would have to install an external grease trap now. Ms. Clement replied that was correct but regardless once the new regulations go into effect, they will have five years to install an external grease trap.

#### **Sale of Tobacco to Minors**

Ms. Clement stated that Rt. 38 Smoke Shop near Ocean State Job Lots has sold to a minor during a compliance check for the second time. A ticket was issued and a \$200 fine was imposed. They are on a six month probation period where they must card everyone that buys tobacco. If they don't do this, then they will be required to come before the Board for a hearing. The letter reaffirming this was sent out on July 16<sup>th</sup>.

#### **Unlicensed Camps**

Ms. Clement stated that there are four recreation camps operating without proper licenses. They are operating at Break Away Ice. Ms. Clement stated that she walked in to do an inspection for Superskills Hockey and found the brochures for the other camps sitting on the counter. She has had lengthy conversations with the State, and owners of the building. The unlicensed camps have been shut down and a cease and desist order has been issued. One of the camps has taken the necessary disclaimer actions to be able to continue to operate; they have posted a disclaimer and sent letters to all parents that they were an unlicensed camp. Ms. Clement stated as she was writing her letter, she went to the website of the unlicensed camp and it said that they had to cancel the weekday camps for the remainder of the summer due to complications with the Town of Tewksbury. Ms. Clement stated that she was upset by this comment and in her letter she will require that they remove that statement immediately.

Mr. Barry asked if they call their program a clinic but meet all the criteria of a camp, can they get away with that. Ms. Clement replied no, if they meet all the requirements then they are considered a camp.

Ms. Kinnon asked what is needed to be licensed as a camp. Ms. Clement stated that some of the items are health records for all participants and staff, a SORI/CORI needs to be done on all staff, a traffic plan, safety plan, lost child plan and first aid plan needs to be completed so it is a lot of paperwork and can be time consuming.

Ms. Brothers asked what happens with the money that parents have put down. Ms. Clement stated that is not our concern that is something between the facility and participants.

Mr. Barry stated that there should be an article to parents on what to look for when signing their children up for camps. Ms. Clement replied that she can get information posted on the web.

#### **The FARM**

Ms. Clement stated that The FARM was issued a cease and desist for their camp also. Attorney O'Neill is now representing them and he has reached out to discuss a possible camp in August. They will also be required to post the disclaimer and notify the parents in writing.

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**Slaughter House on Marston Street**

Ms. Clement stated that there has been a slaughter house on Marston Street since 2005. They need to come before this Board. The State has not been very helpful. Ms. Clement stated that this was brought to our attention because there was an issue with the sewer pipes being filled with blood. Our issue is the slaughter house is not permitted and there seems to be more animals on site than what there permit allows. There is a meeting tomorrow with the DPW, the Town Engineer, Town Manager and Town Counsel to discuss this.

Ms. Kinnon asked if this site also has a piggery. Ms. Clement replied yes, sometime in the 19880s, the Board granted a permit for up to 35 pigs. They did come back and add cows to the permit but now there are chickens, ducks, pigs, and goats.

Mr. Barry asked if we have received any complaints. Ms. Clement replied yes.

**Announcements**

There were no announcements.

**MOTION** - Ms. Brothers made a motion to close the meeting and adjourn at 8:48 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Approved: \_\_\_\_\_

  
Raymond Barry, Clerk

**TEWKSBURY BOARD OF HEALTH MEETING**

**List of Documents for July 18, 2013**

**Documents can be located at the Board of Health's Office**

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**Meeting Called To Order:**

**New Business**

Introduction of new Public Health Nurse

Ratify Health Director Letter regarding Mr. and Mrs. Mark Lambert

**Approval of Minutes of:**

2-May-13

6-Jun-13

**Approval of Department Quarterly reports:**

**Board Members Reports**

**Other Business**

Arbovis Update

**Announcements**

**Adjourn**